



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

December 8, 2006

DRAFT RECORD OF DECISION

PROJECT NAME : Adams Farm
PROJECT MUNICIPALITY : Shrewsbury
PROJECT WATERSHED : Assabet River
EOEA NUMBER : 13429
PROJECT PROPONENT : Brendon Properties Three Realty Trust
DATE NOTICED IN MONITOR : November 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I hereby propose to **grant** a Phase I Waiver to allow an initial phase of the project to proceed, pending the preparation of a Draft Environmental Impact Report (DEIR) for the project.

Phase I Waiver Request: Adams Farm Project:

Pursuant to Section 11.11 of the MEPA Regulations, the proponent is requesting a Phase I Waiver to continue with the ongoing construction of the reviewed (EOEA #13429, January 2005) Adams Farm project, consisting of 90 age-restricted (restricted to occupants who are 55 years of age and older) residential condominium units, internal roadways, parking, utilities and stormwater management infrastructure, prior to completing the preparation of an EIR for the cumulative impacts associated with the Adams Farm and Adams Farm II projects ("full-build" project).

Section 11.11 of the MEPA regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: (a) result in an undue hardship for the proponent, unless based on delay in compliance by the proponent; and (b) not serve to avoid or minimize Damage to the Environment.

In the case of a partial waiver of a mandatory EIR review threshold that will allow the proponent to proceed with phase one of the project prior to preparing an EIR, the Secretary, at a minimum, must base this finding on a determination that:

1. the potential impacts of phase one of the project, taken alone, are insignificant;
2. ample and unconstrained infrastructure facilities and services exist to support phase one of the project;
3. the project is severable, such that phase one does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and
4. the agency action on phase one will contain terms such as a condition or restriction in a permit, contract or other relevant document approving or allowing the agency action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

I have carefully reviewed the Phase I Waiver Request, supporting documentation, and written comments.

1. As described by the proponent, the Adams Farm Project involves the construction of approximately 1.51 miles of 8" sewer main. The proponent has committed to employ appropriate erosion and sedimentation control measures during project construction. The project will not impact bordering vegetated wetlands resource areas.
2. The wastewater flows from the proposed Adams Farm project (13,500 gpd) will be served by the Town of Shrewsbury's sewer collection system for treatment by the Town of Westborough's Wastewater Treatment Facility (WWTF). According to the proponent, Shrewsbury's sewer collection system and Westborough's WWTF have the capacity to accommodate the additional total wastewater flows anticipated from the proponent's Adams Farm project. The proponent has committed to upgrade the Cherry Street pumping station, which is inadequate, as mitigation for the project. In its application for the sewer extension permit, the proponent should include plans depicting the pump station improvements, as well as the easement for the cross-country sewer line.
3. The project will require a Sewer Extension Permit from MassDEP. I anticipate that MassDEP's permit review process will contain terms such as a condition or restriction so as to ensure due compliance with MEPA and 301 CMR 11.00.

Based on these findings, it is my judgment that the phase one waiver request does have merit, does meet the tests established in 301 CMR 11.11, and will serve to advance the interests of the Massachusetts Environmental Policy Act. Therefore, I propose to grant the Phase I Waiver subject to the aforementioned findings and conditions.

This Draft Record of Decision (DROD) shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

December 8, 2006

Date

Robert W. Golledge, Jr, Secretary

Comments received:

12/04/06 MA Department of Environmental Protection – CERO

DROD #13429 – Adams Farm Project
RWG/NCZ/ncz